IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Con.Case(C).No. 1602 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.13299/2005 Dated 09/11/2006

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PETITIONERS/PETITIONERS:

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1. **RAMAKRISHNAN NAIR,**
   S/O. NARAYANAN NAIR,
   AGED 58 YEARS, ANJANI NIVAS,
   KOTTAVATTOM P.O.,
   KUNNIKODE, PUNALUR.

2. **BAHULEYAN,**
   S/O. NANU, AGED 56 YEARS,
   ASHA BHAVAN, CHAKKUVARAKKAL P.O.,
   KUNNIKODE P.O.,
   PUNALUR.

3. **THULASEEDHARAN,**
   S/O. RAGHAVAN,
   AGED 52 YEARS, SREE SAILAM,
   KOTTAVATTAM P.O.,
   KUNNIKODE, PUNALUR.

BY ADV. SRI.A.K.ALEX &
SRI.K.P.SURESH KUMAR

RESPONDENT/1ST RESPONDENT:

A.SHAJAHAN,
AGE AND FATHER'S NAME NOT KNOWN TO PETITIONER,
DISTRICT COLLECTOR, KOLLAM.

BY SR. GOVERNMENT PLEADER (SMT. K. MEERA)

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K. M. JOSEPH, J.

Cont. Case (C) NO. 1602 OF 2007 S

Dated this the 15th November, 2007

JUDGMENT

H. L. DATTU, CJ.

Alleging that the respondent has not complied with the orders and directions issued by this Court while disposing of Writ Petition No.13299/05 dated 9.11.2006, the petitioner in the Writ Petition has presented this Contempt Petition.

2. Along with the Contempt Petition, petitioner has produced only the order passed by this Court.

3. In our opinion, if for any reason, the respondent has not complied with the orders and directions issued by this Court, the petitioners are expected to remind the respondent about the order passed by this Court and inform them to comply with the orders and directions issued by this court and non-compliance of the same may amount to contempt of court as envisaged under the provisions of the Contempt of Courts Act, 1971. We say so, for the reason, sometimes the respondent may not be aware of the orders passed by this Court for various reasons and all those reasons need be elaborately stated by us. To attract the provisions of the Act, there must be wilful deliberate and intentional disobedience of the orders and directions issued by this Court. Before a contemnor is punished for non-compliance of the direction of the Court, the court must not only be satisfied about the disobedience of the court's order, but also should be satisfied that though the contemnor was fully aware of the directions issued by this court, he

deliberately failed to implement the orders and directions issued by this Court. The complainant in the present case has not produced any material even to suggest that the respondent/contemnor was aware of the orders passed by this Court. In view of the above, we do not intend to take cognizance of this complaint. Accordingly, it requires to be rejected and we do so. However, we reserve liberty to the complainant to approach this Court, if need arises in future.

Ordered accordingly.

H. L. DATTU,
CHIEF JUSTICE

K. M. JOSEPH,
JUDGE

kbk/DK.